

AMDT. DATED JANUARY 25, 2005

REPLY TO OFFICE ACTION OF Nov. 9, 2004

REMARKS/ARGUMENTS

Claims 1-109 have been canceled, without prejudice or disclaimer, and new Claims 119-129 have been added; therefore, Claims 110-129 are pending. Applicant has carefully considered the application in view of the Examiner's action and, in light of the foregoing amendments and the following remarks, respectfully requests reconsideration and full allowance of all pending claims.

As requested by the Examiner, Applicant has checked the specification for errors, and has amended the specification to correct minor typographical errors, without adding any new matter to the application as originally filed.

Claims 110 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,841,764 to Roderique et al. (hereinafter "*Roderique*") in view U.S. Patent No. 6,546,405 to Gupta et al. (hereinafter "*Gupta*").

In response, Applicant respectfully traverses these rejections because there is no teaching, or even suggestion, in either *Roderique* or *Gupta* to combine the two references. More specifically, *Roderique* fails to suggest multimedia data messages, and *Gupta* fails to suggest radio communication of multimedia data. Further to the latter, the only mention in *Gupta* of electronic communication of multimedia data is in the background wherein *Gupta* points out that multimedia data may be communicated across the Internet, but with no mention of wireless or radio communication of same. It is respectfully submitted that *Gupta* is no more relevant to *Roderique* than merely as recognition that multimedia data exists, and that it would therefore be improper to combine *Roderique* with *Gupta*.

In view of the foregoing, it is respectfully submitted that Claim 110 clearly and precisely distinguishes over the cited references in a patentable sense, and is therefore allowable over those references and the remaining references of record. Accordingly, it is respectfully requested that the rejection of Claim 110 under 35 U.S.C. § 103(a) as being unpatentable over *Roderique* in view of *Gupta* be withdrawn.

It is noted with appreciation that Examiner Ton has indicated that Claims 110-118 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, because Claims 111-118 depend from and further limit

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independent Claim 110, in a patentable sense, and because Claim 110 is believed to be allowable for the reasons set forth above, Claims 111-118 are also deemed to be in condition for allowance. Accordingly, it is respectfully requested that the objection to dependent Claims 111-118 be withdrawn, as well.

Further in light of the above, namely, that Claims 111-118 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, Claim 111 has been re-written as independent Claim 119 to include the limitations of independent Claim 110. Similarly, Claim 112 has been re-written as independent Claim 127 to include the limitations of Claims 110 and 111. Because Claims 119 and 127 represent combinations of original claims, no new matter has been added to the application as originally filed. Accordingly, it is respectfully submitted that Claims 119 and 127 are also in condition for allowance.

Claims 120-126, 128, and 129 depend from and further limit independent Claims 119 and 127, in a patentable sense, and for this reason and the reasons set forth above, are also deemed to be in condition for allowance.

Applicant does not believe any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-2032 of Scheef & Stone, L.L.P.

Applicant has now made an earnest attempt to place this application in condition for allowance. Therefore, with appreciative acknowledgement of Examiner Ton's suggestion for allowability of Claims 111-118, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, full allowance of Claims 110-129 so that the application may be passed to issue.

APPL NO. 10/029,684

ATTY DKT No. NC17077C1 (9019.033)

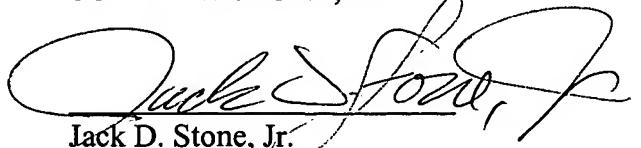
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Should the Examiner have any questions or desire clarification of any sort, or deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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